

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Case No: 21-11298-LGB

286 Rider Ave Acquisition LLC,

Chapter 11

Debtor.

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**ORDER SCHEDULING SUPPLEMENTAL BRIEFING AND
ARGUMENT WITH RESPECT TO MOTION OF 286 RIDER AVE
DEVELOPMENT LLC TO ALTER OR AMEND THE JUDGMENT UNDER
BANKRUPTCY RULE 9023 AND FEDERAL RULE OF CIVIL PROCEDURE 59(E)**

WHEREAS, on September 13, 2021, 286 Rider Ave Development LLC (“Development”) filed the *Motion to Alter or Amend the Judgment Under Bankruptcy Rule 9023 and Federal Rule of Civil Procedure 59(e)* [ECF No. 47] (the “Motion to Alter or Amend”); and

WHEREAS, on September 28, 2021, Be-Aviv 286 Rider LLC (“Be-Aviv”) and the Debtor filed opposition responses to the Motion to Alter or Amend [ECF Nos. 52 and 53]; and

WHEREAS, on October 1, 2021, Development filed a reply in support of the Motion to Alter or Amend [ECF No. 64]; and

WHEREAS, on October 5, 2021, the Court held a hearing on the Motion to Alter or Amend; and

WHEREAS, on October 5, 2021, the Court entered an order denying the Motion to Alter or Amend for the reasons set forth on the record of the hearing (the “Denial Order”); and

WHEREAS, on October 8, 2021, Development filed a notice appealing the Denial Order to the United States District Court for the Southern District of New York (the “District Court”) under Case Number 21-cv-8812; and

WHEREAS, in the appeal, appellant Development moved to supplement the record before the District Court with materials filed after the date of the Denial Order that Development

described as “critical to the underlying determination whether the Bankruptcy Case was properly authorized and whether the Bankruptcy Court had jurisdiction over the Bankruptcy Case.”

Remand Order (as defined below) p. 1; and

WHEREAS, on January 13, 2021, the District Court entered an order [ECF No. 260] (the “Remand Order”), “remand[ing] this action to the Bankruptcy Court for consideration of the additional materials, to the extent it sees fit.” Remand Order p. 2; and

WHEREAS, on February 21, 2022, Be-Aviv and the Debtor filed letters with respect to the Remand Order [ECF Nos. 300 and 301]; and

WHEREAS, on February 22, 2022, the following parties filed letters with respect to the Remand Order: Development [ECF No. 303] and Development, Toby Moskovits, and Michael Lichtenstein [ECF No. 304]; and

WHEREAS, on March 2, 2022, the Court held a status conference with regards to, among other things, the Remand Order;

IT IS HEREBY ORDERED THAT:

1. Development shall file supplemental briefing with respect to the Motion to Alter or Amend consistent with the Remand Order by no later than March 14, 2022 at 5:00 p.m. (ET).
2. Supplemental responses in opposition to the Motion to Alter or Amend shall be filed by no later than March 18, 2022 at 5:00 p.m. (ET).
3. Supplemental replies in support of the Motion to Alter or Amend shall be filed by no later than March 23, 2022 at 5:00 p.m. (ET).
4. The Court will hold a telephonic hearing for supplemental argument on the Motion to Alter or Amend consistent with the Remand Order on March 25, 2022 at 2:00 p.m. (ET).

5. This order may not be modified, or the dates herein extended, except by further order of this Court for good cause shown.

Dated: New York, New York
March 3, 2022

/s/ Lisa G. Beckerman
HON. LISA G. BECKERMAN
U.S. BANKRUPTCY JUDGE